

SENATE BILL REPORT

SSB 6761

As Amended by House, March 6, 2008

Title: An act relating to service areas for wetlands mitigation banks.

Brief Description: Regarding service areas for wetlands mitigation banks.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Spanel and Rasmussen).

Brief History:

Committee Activity: Transportation: 2/7/08, 2/11/08 [DPS].
Passed Senate: 2/16/08, 46-2.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6761 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Benton, Berkey, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, King, Pflug, Sheldon and Spanel.

Staff: Hayley Gamble (786-7452)

Background: A wetland mitigation bank is a wetland, stream, or other aquatic resource that has been restored or created for the purpose of providing compensation for unavoidable impacts to aquatic resources. Units of mitigation can be bought from a wetland bank and credited as mitigation against projects with unavoidable wetland impacts. Under current law, the Department of Ecology has rule making authority to select all criteria determining the service area for each bank. A service area is the geographic area in which a wetland bank can be used to offset impacts to other wetlands.

Summary of Substitute Bill: The criteria for determining a service area for a wetland mitigation bank must include restricting the maximum allowable service area to the water resource inventory area (WRIA) in which the bank is located. Under exceptional circumstances, or if a project is partially located in more than one WRIA, a service area may include parts of an adjacent WRIA. For linear projects, such as roadway improvements, credits may be used towards a project that is located at least 75 percent within the banks service area.

The Department of Ecology and the appropriate county or city in which the bank is located have final approval for determining the service area for specific banks.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill provides clarity on the size of a wetland bank service area, and it is helpful to have flexibility for projects that extend into more than one WRIA. Counties appreciate having a clearly defined role.

CON: There are concerns about the local governments involvement and the limitation on a service area not exceeding a WRIA.

OTHER: Banks are important to the development community. Limiting the size of the service area provides an unrealistic constraint. The bill indicates local governments have final approval of a bank – they should be involved in bank development from the beginning. This will effect existing projects.

Persons Testifying: PRO: Eric Johnson, Washington Association of Counties; Gordon White, Department of Ecology.

CON: Steve Sego, Habitat Bank Northwest.

OTHER: Eric Johnson, Washington Public Ports Association; Rick Wickman, Port of Vancouver.

House Amendment(s): The local jurisdiction where a wetland mitigation bank is located has final approval of the certification of the bank. The local government will be a signatory to the banking instrument, if they choose to approve the mitigation bank. No exception is included for linear projects to use a bank to mitigate for impacts outside of the banks service area, though this would still be possible if ecologically defensible.